S. IX-5]

evious references.

5-06, 1-4, 6-7, 8(a), 11(c)

and 12-14

1914-15

(Leftr)

-06, 3-12

~~Later references.~~

32-13, 1-8

12-10, 1-3

prot 68-20 (1-3

Later Refce

Govt 41-24-1, 3-8

" 103-38 (1-6)

File No. 32-14

Serial Nos. 3-15

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 3-15

Part B fo July 16

SUBJECT.

Proposes that (1) the punishment for breaches of Rules under Sec. 7 be raised from 3 months to 12 months (2) the provision of the Sec. 7 be extended to certain areas & (3) that the word "presence" be substituted for "residence" in Sec. 7.

To the Hd. Of Police. No. 685-9 13.7.16

Govt have not thought it necessary to amend the Section as proposed or to increase the maximum penalty

15 Jan 1917

W D 88—GPB—50,000—24-7-16

Serial No.

and Krishnagiri line and Frank and company line.

(2) The enhancement of the punishment from 3 to 12 months for breach of the rules under that section: and

(3) Substitution of the word "presence" for "residence" in section 17

Proposal No (1):-

2. As regards this proposal a draft notification extending the provisions of section 17 as proposed is put up on the lines of Note No. J 15-89-Legis. 32-14-2 dated 1st December 1914.

Proposal No 2:-

3. As regards the enhancement of the punishment from 3 to 12 months for breaches of the rules under section 17, this proposal was first mooted by the I. Gl. of Police in October 1910 when he included it in his report on the working of the Mines Regn, 1906, for the year 1909-10. He was then asked to make a separate reference which he did in March 1912 proposing that the period of 3 months be raised to 6 months. On this the

Leg T

Flag U (vide page 10 of corr. of Legis. 12-10 Pts 1-3B).

Flag V (vide Legis 13-11-3)

GPB—25,000—22-3-16

Serial No.

1st member remarked that the present punishment was severe enough and that he was opposed to enhancing the punishment. The 1st member further called for a statement showing the no of cases under the sec: and the no in which the extreme sentence was given. The Statement was called for. The Secy agreed with this view of the 1st member and suggested in the Subsin note to Cl N. that that matter might be dropped.

(vide page 19 of notes in Legis 13-11)

Page 25 of the notes in Legis 13-11

4. The I.Gl. of Police repeated the suggestion in July 1913 (Legis 32-13-1) On this the 1st member again said that he was still of opinion that the punishment need not be increased. Hence the matter was again dropped

Key X

Page 8 of notes of Legis 32-13

5. Proposal No 3

This is based on the construction of the word residence. The I.Gl. of Police suggests the substitution of the word "presence" for residence because otherwise a suspect who only enters the prohibited area for notice is served

J. R. S. 12]

4369

General and Revenue Secretariat. | Legs File No. 32 of 1914.

Serial No.	
	~~on him~~ and remains there for a few minutes or so, probably to commit an offence under the Mines Reg and leaves the area alone cannot be dealt with under sec: 19 as he cannot be said to have been residing in the area ~~again~~. If this suggestion is approved a draft bill to amend the Reg will be put up.
	~~AB~~ 30/6/15
	6) These recommendations for amendment of the Mining Regulations are now submitted by the Dy Comm at the instance of District Magistrate. The first proposal relates to the extension of S 17 to certain areas around the Mines. The ground which this proposal is based is that "once notice have been served, the undesirable will take up their abode on the outskirts of the mine." under the Section as it now stands, an undesirable who is served with notice, cannot even be entitled the prescribed area, unless he prepared to go to jail. This seems an efficient deterrent at present. In addition, there must be a limit beyond which this exceptional Regulation can be extended

NOTE—Contn. sheet.

GPB—25,000—22-3-15

F. R. S. 12]

General and Revenue Secretariat. | File No. of 191

Serial No.

7) The Second proposal relates to the enhancement of punishment prescribed for disobedience of order issued under 517. The cases quoted by the District Magistrate, no doubt, indicate that the punishment has had no effect upon the undesirables. But it seems to me that this is not the only point on which this question has to be decided. That the Section as it now stands is sufficient effective is clear from the fact that whereas there were 34 cases involving 34 persons in 1909-10, there were only 10 cases involving 10 persons in 1913-1914. There was a sharp drop of 50 p.c. from 1912-13 to 1913-14. Instead of taking action under a special Regulation against the undesirables, action may be taken against them under the ordinary criminal law, (~~Section~~ 109 of the Criminal Procedure Code). It is not just or equitable that the ordinary procedure and principles should be given up and the persons punished under a special procedure and law. No satisfactory case seems to have been made out for increasing the punishment already fixed. Perhaps it may be difficult for the Police to prove the case against these persons under the ordinary

NOTE—Contn. sheet.

GPB—25,000—22-3-15

J 3697

7

R. S. 12]

General and Revenue Secretariat.

Legis File No. 32 of 1914-15

Serial No.

12) On point 3 (about residence) the doubt raised is altogether without foundation and does not require any amendment of the Regn. After the notice is served (whatever the reason which actuated the Supt to issue the notice may be) the person is prohibited from remaining in or reentering the area.

13) On the question of punishment, there is a limit beyond which we cannot go, though of course a severer punishment would be a greater deterrent.

14) The matter may be placed before the Council

31/7/15

15) Submitted with a draft to the I. Gl. of Police asking him to send a map of the

NOTE—Contn. sheet.

GPB—25,000—22-3-15

910 g 3697

G. R. S. 12]

General and Revenue Secretariat. Legis File No. 32 of 1914-15

Serial No.	

separately
locality ~~route~~ showing the places to which ~~the~~ sec: 17 have already been extended and the places to which it is now proposed to extend.

Secs A 12/8

7/8/15

16 Secy
8 7/8

4. To the I.G. of Police

g 688 dt 10-8-15.

calls for the submission of a map showing separately the places in the K.G. & to which sec 17 of the Mysore Mines Regulation has already been extended & the places to which it is now proposed to be extended.

5. From the same officer.

No. 1917-/162 dt 27/28-9-15.

Forwards the map called for.

17 Submitted with reference to paras 11 & 14.

AHS 30-9-15.

18) Submitted for perusal with reference to para 11. ~~Affi~~

30/9

8 30/9

~~25.~~

First Member

19 Seen.

20 Please take further action early.

1/10/15

Secy 7/10

NOTE—Contn. sheet.

GPB—25,000—30-4-15.

910

G. R. S. 12]

General and Revenue Secretariat.

Legs. File No. 32 of 1914-15

Serial No.

21. Submitted for favour of orders with reference to para 14

E.B. 4/10

22. Secretary)

May this be circulated for consideration at a Council meeting?

Ref = Para 14.

Draft G.O. 6a

Dewan)

2000/-7.10.15

C.S. 5/11 - 1/11

23. I agree

30-10-15

Ko

13.11.15.

NOTE—Contn. sheet.

GPB—20,000—30-6-15

For disposal at a meeting.

No. C. 236

9. 11. 1915.

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause ii of the Schedule)

(1) Amendment of Section 17 of the Mines Regulation so as to prescribe a more severe punishment for disobedience of its provisions and substitution of "residence" for "presence" -- occurring therein; and

(2) Extending its provisions to certain localities in the Kolar Gold Fields.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

D. M. Narasinga Rao.

Secretary to Government.

5th November 191 5.

Extraordinary Member of Council. Seen by the Extraordinary Member 13.11.15

First Member of Council. Seen by the 1st Member of Council.

Second Member of Council. Seen. 12/11

GPB—1,000—3-2-14

G. R. S.

Extract from the Proceedings of the 365th Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 17th November 19 15

17. SUBJECT.- (Clause ii of the Schedule).

(1) Amendment of section 17 of the Mines Regulation so as to prescribe a more severe punishment for disobedience of its provisions and substitution of "residence" for "presence" occurring therein; and

(2) Extending its provisions to certain localities in the Kolar Gold Fields.

OPINION OF THE COUNCIL.

Section 17 may be extended to Robertsonpet, Bonnakoppa, Andersonpet, Coregam, Krishnagiri Line and Frank & Co, Line.

The other questions raised may be examined with reference to similar laws, if any, in other countries.

Sd/- M.Visvesvaraya,
Dewan of Mysore.

"Extract"

D. M. Narasimha Rao 19/11

Secretary to Government,
General Department.

GPB—2,000—5-5-10

12

from remaining in or re-entering the area. Whether the scope of the Superintendent's authority may be extended by substituting presence for residence, requires further consideration as to its expediency.

29 On the question of punishment there is a limit -- beyond which one cannot go, though of course a severe punishment would be a greater deterrent.

30 The matter was placed before the Council, and it was resolved that Section 17 may be extended to Robertsonpet, Sonnekoppa, Andersonpet, Ooregam, Krishnagiri Line and Frank & Co., Line, and that the other questions raised might be examined with reference to similar laws, if any, in other -- countries.

*Page 10 of office notes.

31 The resolution may be graciously approved.

H Macpherson

First Member of Council.

Dated 25/11/15

13

Submitted to His Highness.

*H. M.

32 I submit herewith a 'Final Note' by the First Member of Council regarding the amendment of Section 17 of the Mysore Mines Regulation, 1906, so as to prescribe a more severe punishment for disobedience of its provisions and substitution of the word "presence" for "residence" occurring therein, and extending its provisions to certain localities in the Kolar Gold Fields.

10 of office notes. 33. 2. The recommendation of the Council to extend the provisions of Section 17 of the Regulation to the localities mentioned therein may be graciously approved. The other two questions will be further examined.

M. Visvesvaraya

30th Nov. 1915.

910

15

R. S. 12]

J 3697-14

General and Revenue Secretariat. | Legis File No. 32 of 1914-15

Serial No.	
	37) Subd. with a draft notification 9/12/15

38) May be approved
GS
7.12

First Member)

39) Draft appd. by First member
8.12.15

9/12/15

40) Is the
GS
9.12

To The Compiler
Imperial Gazette
No J 2208 — 11-12-1915
Notifies the insertion of the provisions of Sec 17 to certain localities in W. G. T.

To The I. G. of Police
No J 2209 — 11-12-1915.
Forwards copy of the above.

41) Subd.
With reference to para 2 of the Subdiv note to H. H., the provisions in the Regn of 1906 seem to have been copied from the Western Australia Mining

NOTE--Contn. sheet.

GPB—20,000—30-6-15

A

Extract from the Address presented by
Mr H. M. A. Cooke.

17

45) *Mysore Mines Regulation, 1906.*—Since the occasion of the last Representative Assembly the Board has learned that the Government of India has sanctioned the retrocession permanently to the Durbar of Jurisdiction over the Kolar Gold Field Branch Railway. For this important concession I am to convey to you, Sir, and, through you, to the Government of India, the Board's most sincere gratitude. It now only remains to extend to the Railway the provisions of Sections 5 to 20 of the Mines Regulation, the Board's request in regard to which, it is understood, is already engaging the Durbar's best attention.

III A

Legislation

46) The Board is deeply grateful to His Highness's Government for extending to Robertsonpet, Andersonpet and other notified localities adjacent to the Mines the provisions of Section 17 of the Regulation, by means of which, the Police has been better able than formerly to deal with Gold thieves and receivers who resided therein. The powers of the Police, however, continue to be restricted, as pointed out last year, by the insertion of the word "residence" in Section 17 as amended sometime ago, since undesirable characters may, although not actually *residing* in the areas to which the section applies, still frequent such areas without fear. To overcome this defect in the section, the Board again urges most earnestly the substitution therein of the word 'presence' for the word 'residence.' This is a matter which affects very greatly the interests of the Mining Companies, and on their behalf, I would ask you, Sir, to give to it your sympathetic consideration.

Legs

F 1259

18

G. R. S. 12]

General and Revenue Secretariat.

Rev. File No. 32 of 1914.

Serial No.	
9	From Messrs R. Cambray & Co; Calcutta dt 7th Decr. 16 Forwards a bill No. 16666 dt 7th Decr 1916, for Rs 10-14-0 for having supplied the books ordered in Senate No. 7 4) The 3 books in question have been received & registered. Draft regretting the amount is sent up for Approval. Subd 18/12/16 4a) Issue 8/1/17
10	To Messrs R. Cambray and Co Calcutta No D 2559 2519 17th Jan: 1917 Remit the sum of Rs 10-14-0 and request an acknowledgement. This has been acknowledged. (vide f/s 1172-16) deposited 4a) Subd. The books dealing with mining law in Transvaal and Western Australia which were recently obtained are herewith put up. They contain no reference to undesirables. Probably the Western Australia Police Act, 1892 might contain some provisions relating to vagabonds similar to our provisions regarding undesirables

Subd

NOTE—Contn. sheet.

GPB—70,000—17-12-15

1259
g 1235

G. R. S. 12]

General and Revenue Secretariat. | Legis File No. 32 of 1914.

Serial No.

54) Subd. with a draft to the Regr chief Court.

19/11/17

60) Impd. 23/11/17

Subd

12 | No g 1712 dated 23/11/17
To the Regr chief Court.
Requests him to place the matter before the Judges of the chief Court on the proposals of the I.G. of Police.

Regd | No 3280/236 dated 27/11/17 from the I.G. of Police
Forwards a reminder to this office reference No 53-29/660 of 20/5/17 (& 3) re substitution of the word "presence" for the word "residence" in sec: 17 of the Mysore Mines Regn, 1906.

61) Subd.
The opinion of the chief Court has been called for on the proposal and it has not been received yet.
Reply from the chief Court will be awaited

Subd

1/12/17

NOTE—Contn. sheet.

GPB—70,000—17-12-15

WD 1283—GPB—60,000—1-12-16—S.

22

1738

G. R. S. III-2

General and Revenue Secretariat. | Legs File No. 32 of 1914-15.

Serial No.

64) The question of amending Sec 17, which is considered unnecessary by the Chief Judge and by Mr Justice Chamier, should be dropped, even though it may be undesirable.

65) As regards enhancement of punishment: the unanimous opinion in respect of Sec 18 and the view of the majority in respect of Sec 17 may be followed.

Agree.

CM

Ellen Bey 2/4/18

66) Amendment of Sec 17 may be dropped, but the scope of the section may be pointed out to the local authority.

67) The marginal note to the section appears to be wrong & this apparently mislead the Dt Magte (vide his recommendation to notify certain areas). Instead of "any mine or coaly colony" may be substituted "notified area".

68) The punishment under S. 17 may be increased to one year on a second conviction, that under S. 18 need not be disturbed.

69) Please draft on these lines & submit to member.

CBS 4/2/18

NOTE—Contn. sheet.

25
J 1866
14- 15
32-14

Legs 32-14

SUBJECT No. 169. 70

Substitution of the word "Presence" for "Residence" in Section 17 of the Mysore Mines Regulation.

Mr. H. M. A. Cooke, Kolar Gold Field Mining Board.

Summary of discussion.—The substitution in Section 17 of the word 'Presence' for the word 'Residence' is necessary.

Reply of Government.—Under consideration.

GEN. & REV. SECRETARIAT
III
JUDICIAL
FEB 1918

A

24 (III)

Extract from the address presented by Mr H. M. A Cooke K.C.F. mining Board. Oct 1917.

We beg again to point out the importance to efficient Police control over gold thieves and receivers of the substitution in Section 17 of the word "presence" for the word "residence." The necessity for this alteration having previously been fully explained, the Board would on this occasion confine themselves to appealing for an early and favourable decision in the matter. A

GEN. & REV. SECRETARIAT
I.T
7 FEB 1918

No. J1871

FILE
CC.

Subs. This will be placed with in Legis 32-14 on the subject on its return The file was subd with a draft Bill on 8/2/18

16/4/18 WK
66

EB 8/4

WD 1233—GPB—60,000—1-12-16—S.

25

1746
1866
1871

G. R. S. III-2

General and Revenue Secretariat. | Legs File No. 32 of 1914.

Serial No.

71
Subd. with a draft Bill and St. of O and R and a draft G.O. as ordered
CB
7/2/18
MLC
GVR

72 Please submit typed drafts as noted
GVR

73.
Subd. with typed drafts
CB
1/3/18 MLC

74 In favour of approval of this order.
GVR
1/3

First Meeting

75 I am not for the present amendment for which no real case has been made out. I see the Govt. Pension policy of the Ch. Cl. are confined to officers & the proposed enhancement of the pension & lump sum is to be only after a confirmed years at least & then taken up, if deemed necessary, for de-confirmation then.

3002/5.3

MLC
5/3

Council meeting.

76 Maybe considered at a meeting of Council

4674/6-3-18

Dewan

CDS
6/3/18
BD

NOTE—Contn. sheet.

77 Agree

To circulate
CDS
6.4.18
GVR

Legis 32-14 16

(For Disposal at a Meeting) No. C. 601

1574 1918.

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER.

SUBJECT.

(Clause ii of the Schedule.)

Question of amending Sections 17 and 19 of the Mysore Mines Regulation, 1906.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C Balasundaram Jr
Chief Secretary to Government.

6th April 1918.

Extraordinary Member of Council. Agreed 16.4.

First Member of Council. Opinion recorded.

Second Member of Council. 79. I am in the first place Decline file ed. Dft his notes Carried Agree with the Hon'ble Member 16.4

3711/15.4.18.

WD 2670—GPB—1,000—11-5-17

Legis 32-14

27

Extract from the Proceedings of the 449th *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 2nd May *19*18

---

3. Subject.-Clause 11 of the Schedule.

Question of amending Sections 17 and 19 of the Mysore Mines Regulation, 1906.

OPINION OF THE COUNCIL.

80. The amendments are unnecessary.

Sd. M. Visvesvaraya,

Dewan of Mysore.

"EXTRACT"

C Balasundaram Jr

Chief Secretary to Government.

GRSM. 508

(3) WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

1871

General and Revenue Secretariat. | Legs File No. 32 of 1914-15

Serial No.

81. To the Assistant Secretary, Branch III, for kindly submitting the file to the First Member of Council with a draft Final Note.

CBS
8/5/18

82 Subd. with a d.f.n. and d.s.n.
8/5/18

83. In favour of approval
8/8

First Member 84. Agd.
8/5

85. This final note signed by the Finance Minister is put up.
8/5/18

4039
9/5

86. D.s.n. submitted

5913
10.5.18

Dewan

CBS
9/5/18

NOTE—Contn. sheet.

Legis 32-14 29

Final Note by the First Member of Council

Subject:—

Amendment of Sections 17 and 19 of the Mysore Mines Regn.1906.

Paper under disposal

87 In May 1915 the Inspector General of Police recommended the enhancement of punishment for offence under section 17 and the substitution of the word "presence" for the word "residence". The Council thereon resolved on the 17th November 1915 that this question should be examined with reference to similar laws, if any, in other countries. In the meanwhile the Mining Board , K.G.F. also represented in the Representative Assembly that the word "presence" should be substituted for the word "residence" in section 17.

Page 10 of Office Notes

H

88. The Mining laws in Transval and New South Wales on which our Regulation is based were examined and no justification for the present proposal could be found therein. The Chief Court were also consulted and the majority of Judges are against the proposed amendments. The Question was considered in Council and it was resolved therein that the amendments proposed were unnecessary.

G

Page 26 of Office Notes

89 A suitable reply to the above effect will, if approved, be issued.

First Member of Council.

Legis 32-14

30

Submitted to His Highness.

K. 90. *I submit herewith a Final Note by the*....First.. *Member of Council on the subject of*... amendment of sections 17 and 19 of the Mysore Mines Regulation, 1906,

for His Highness' gracious approval.

M. Visvesvaraya

Dewan.

13th May 1908

Legis 32-14 C.607 31

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Question of amending sections 17 and 19 of the Mysore Mines Regulation, 1906.

1313.

Order.

91. ~~KRM~~
21/5/18

92. Chj Sec
29.5.18

30.5

336.
30.5.18.

Legis

y 1871

32

G. R. S. III-2)

General and Revenue Secretariat. | Legs File No. 32 of 1914.

Serial No. 94 Subd. with a draft order

4/6/18

95 In favour of approval

5/6

Chief Secretary)

96 Issue.

97 A cmpl. D.O. letter, based on Mr. yl.d. may be sent to D.J.P about the interpretation of the term "residence" or the Govt. advocate may be asked to give an opinion, which may be communicated for guidance. If the interpretation referred to is adopted as correct half the trouble will be remedied

7/6/18

10/6/18

14 To D.J. & Police

The D.C. Dolar

no D 5070-1 11th June 1918

States that it is not necessary to amend the Regulation as proposed

Subd. with a draft D.O. as ordered by the chief secretary in para 97 supra

14/6/18

17/6/18

NOTE—Contn. sheet.

1871

G. R. S. III-2

General and Revenue Secretariat. | Legs File No. 32 of 1914-15.

Serial No.

Draft-maybe approved

1st member

30/7/18

4860
4.7.18

4/7/18

Issue 7/7/18

15 Do. Sd Shiv Hamza Hussein
Dy. S. of Police
no 9 6.85 13th July 1918

Informs that Govt have not thought it necessary to amend the Section as proposed or to increase the maximum penalty which may be imposed under Section 14 of the Regulation.

To The D. M. Kolar
no. 9. 686 13th. July 19

Forwards copy of the above

12/7

NOTE—Contn. sheet.

No. 5529 / 660

OFFICE OF THE INSPECTOR GENERAL OF POLICE IN MYSORE.

Encl. 3

Dated Bangalore, 20th May 1915

From

Diwan Bahadur C. SRIKANTESVARA AIYAR, B. A., B. L.,

Inspector General of Police in Mysore.

DIARY : J 3697

1914-1915

SECTION Legis

32-14

To

The Secretary to the Government
of H.H. the Maharaja of Mysore Genl. & Rev. Depts.

Sir,

In continuation of my letter No.3648/451 dated 4-3-1915 and with reference to para 2 of Government Proceedings No. J.2074-82/Legis.39-14-2 dated 6-1-1915, I have the honor to forward herewith for the orders of Government, copy of letter No. 7484 dated 11-4-1915 from the District Magistrate, Kolar District recommending two things, viz (1) the extension of the provisions of section 17 of the Mysore Mines Regulation to the marginally noted areas and (2) the enhancement of the punishment from 3 to 12 months for breaches of the rules under that section.

2. (3) Further the District Magistrate, states that the use of the word "residence" in section 17 appears to be unnecessarily restrictive in meaning likely to exclude from the operations of the section undesirables, who residing elsewhere, only carry on the illicit trade, within the mining area, and therefore suggests the substitution of the word "presence" for "residence". I am not sure if residence means only what the District Magistrate refers to but it is safer not to leave the point in doubt.

1. Robertsonpet including Somekuppam.
2. Andersonpet.
3. Oorgaum village.
4. Krishnagiri Line and Frank and Company Line.

3. I request that you may be so good as to obtain the early orders of Government on these points.

I have the honor to be,

sir,

Your most obedient servant,

Inspector General of Police.

7/8

G.R.S. 26]

SUBJECT...

*Diary No. of letter replied to*_____

Section Legis.
File No. 32-14
Serial No. 4

General and Revenue Secretariat

( )

, *the* 191 .

No. J688

Date of issue 10/8/1915.

To The Inspector General of Police in Mysore Bangalore

Signed by Dy. Secretary

With reference to your letter No 53-29/660 dated 20th May 1915 asking, among other things, for the extension of, of the Mysore Mines Regulation, sec: 17 to certain parts of the K. G. F. I am directed to request you to be so good as to forward to Govt., for information and

over.

return, a map shewing separately the places in the K.G.F. to which sec. 17 of the Mysore Mines Regn has already been extended ~~applied~~ and the places to which it is now proposed to be extended.

I have &c

7/5/15

for Offg. Secretary to Govt.

G.D.

KLC
7.5

List of enclosures.

Copied by

Examined by

GPB—20,000—14-2-14

64

No. 917 OFFICE OF THE INSPECTOR-GENERAL OF POLICE IN MYSORE,
Encl. 162
1

Dated Bangalore 27th Sep. 28 *191* 5

From

Diwan Bahadur C. SRIKANTESVARA AIYAR, B.A., B.L.,
Inspector-General of Police in Mysore.

To

DIARY No. J 940

D. M. NARASINGA RAO, ESQ., B.A., B.L.
~~Officiating~~ Secretary to the Government of
His Highness the Maharaja of Mysore,
General Department.

19 -10
SECTION Legis
32-14
ITEM 5

Sir,

With reference to your letter No. J 688/Legis. 32-14-4 dated the 10th August 1915, I have the honor to forward herewith a tracing showing separately in blue the places in the Kolar Gold Fields to which Section 17 of the Mysore Mines Regulation has already been extended and in red the places to which it is now proposed to be extended, as called for in the above.

I have the honor to be,
Sir,
Your most obedient servant,

Inspector General of Police.

~~Copt~~ Extending the provisions of Sec: 17 to certain localities in Kolar Gold Fields.

G.R.S. 26]

Ex. 385 Translation 14/12

K. G. F.

File No. 32-14

Serial No. 6

Diary No. of letter replied to

Notification

No. J 2208

General and Revenue Secretariat

( )

, *the* 19 .

~~To~~

In exercise of the powers conferred by section 17 of the Mysore Mines Regulation, IV of 1906, as amended by Regulation IX of 1914, the Government of His Highness the Maharaja are pleased to extend the provisions of that section to the ~~several mines~~ and following areas on the Kolar Gold Fields

1. Robertsonpet including Sorne Kuppam
2. Andersonpet

Date of issue 11/12/1915.

Signed by Mr. V. R. Thyagaraja Iyer

over.

SUBJECT.

3 Dorgaum village

4. Krishnagiri Line and Frank and Company Line

By order

Secretary to Govt
G.D.

20

The Compiler, Mysore Gazette
for publication in Part-III in
English and Kannada and for
supplying 100 spare copies
in English to this office.

Memo. No. G 2209, Dt 11th Dec 1915.

Copy of the above is forwarded to the Inspector General of Police in Mysore, for with reference to his the 1st recommendation contained in para 8 of his letter No 5529/660 dated 20th May 1915.

By Order

for Secretary to Govt
G.D.

List of enclosures.

8/12/15

Copied by

Examined by

GPB—10,000—28-2-11.

11/12/15

NOTIFICATION.

No. J. 2208—Legis. 32-14-6, dated 11th December 1915.

In exercise of the powers conferred by Section 17 of the Mysore Mines Regulation, IV of 1906, as amended by Regulation, IX of 1914, the Government of His Highness the Maharaja are pleased to extend the provisions of that Section to the following areas on the Kolar Gold Fields:—

1. Robertsonpet including Sornekuppam.
2. Andersonpet.
3. Ooregum village.
4. Krishnagiri Line and Frank and Company Line.

By Order,
V. R. THYAGARAJA IYER,
Revenue Secretary to Government.
In charge, General Department.

G. R. S. 26]13|9

Legs' File No. 32-14
Serial No. 7

Diary No. of letter replied to .....

No. J 1087

General and Revenue Secretariat
( )
, the 191 .

To
Messrs R. Cambray & Co.
Law Booksellers
Hastings Street
Calcutta

Date of issue 14/7/16

Signed by [illegible]

Gentlemen

I am directed to request you to be so good as to procure and supply to this office ~~copies~~ one copy of each of the ~~marginal~~ marginally noted books at an early date and to with a bill of costs

I have &c.

[illegible] over.

For Secretary to Govt.

1. Mining Act, 1904, of Western Australia - Australasia
2. Act further to amend the Police Act of 1902 of Western Australia - Australasia
3. Act IV of 1898 of Transvaal

SUBJECT.

Copy to the Cash Section.

[illegible]
13/9

R. CAMBRAY & Co.,

Law Booksellers, Publishers, Importers & Exporters,

Appointed Agents for Sale of Govt. Publctns. & Sole Agents for Sale of Calcutta University Publications.

Publishers of :—**The Sier Mutaqherin, The Good Old Days of Hon'ble John Coy., Brigg's Ferishta & Duff's Mahrattas, &c.**

Agents in India for :—
SWEET & MAXWELL, STEVENS & SONS, STEVENS & HAYNES & WM. GREEN & SONS ALL LEGAL PUBLICATIONS.

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WM. GREEN & STEVENS & SONS :—
The Re-issue of the "English" & "Irish" Reports.
SWEET & MAXWELL, Ld :—
Encyclopædia of the Laws of England, Mews' Digest and English Reports Annotated.

GEN. & REV. SEPT.
25 SEP 1916

Telegraphic Address :
" CAMBRAYS," CALCUTTA.

9, HASTINGS STREET,

(Near the High Court.)

Calcutta, 19th September, 1916.

DIARY No. J. 722

16-9-17
SECTION Legis

To

The Secretary to the Government
of His Highness the Maharaja of Mysore,
General Department,
BANGALORE.

Legis 32-14-8

Sir,

We have the honour to acknowledge receipt of your letter No. J1087/Legis 32-14-7, dated the 14th instant, in reply beg to inform you that the following Acts, ordered by you, are not available here. We have therefore, indented them from Australia and Transval and the same would be supplied to you no sooner received. We expect to get them in about eight weeks time.

Soliciting further esteemed commands.

We have the honor to be,

Sir,

Your most obedient servants,

R. Cambray & Co

1. Mining Act 1904 of Western Australia.
2. Act further to Ammend the Police Act of 1902 of Western Australia.
3. Act XV of 1898 of Transval.

Telegraphic Address:
"CAMBRAYS," CALCUTTA.

Advise from

R. CAMBRAY & Co., F 1259

LAW BOOKSELLERS, PUBLISHERS, PRINTERS, IMPORTERS & EXPORTERS.
Appointed Agents for sale of Govt. & C. U. Publications.

12 DEC 1916

9, HASTINGS STREET,

No. Calcutta, 7 12 1916.

To The Secretary to the Govt of H. H. the Maharaja of Mysore
General Dept
Bangalore

Dear Sir,

With reference to your esteemed Order No. 1081 Regis 32-14-7 D/ 14 9 16 we have the pleasure to advise having this day despatched to your address the Books invoiced below, per Regd Post which we trust will reach safely and meet with your approval.

Soliciting further esteemed commands.

We are etc,
Your Most Obdt. Old Servts.
R Cambray & Co

MEMO.		Rs.	As.	P.
1	Mining Act 1904 of Western Australia			
1	Act further to amend the Police Act of 1902 of Western Australia		5	
1	Act XV of 1898 of Transvaal		4	
	Postage from London to Calcutta			
	Postage 0 13 Cooly-hire V. P. Comsn.			
	Packing Charges 0 1 Cartage. Registn. fees 0 12		6	
	TOTAL Rs. ...	10	14	

E. & O. E.

Govt of H. H. the Maharaja of Mysore General Dept Dr.
Bangalore

To R. CAMBRAY & Co.,

LAW & ANTIQUARIAN BOOKSELLERS, PUBLISHERS, IMPORTERS & EXPORTERS,

Appointed Agents for the sale of Government Publications and sale of His Majesty's Stationary Office Publications.

1916

9, Hastings Street, (near the High Court), CALCUTTA.

Dec'r	7	1 Copy of Mining Act 1904 of Western Australia - Australasia		
		Copy of Act further to Amend the Police Act of 1902 of W. Australia - Australasia		5
		1 Copy of Act XV of 1898 of Transvaal		4 8
		Postage from London to Calcutta		1
		Packing, Postage & Registration		6

No. 16666

Total Rs. | 10 14

Calcutta, 9th Dec'r 1916

—Vouchers attached.

E. & O. E.

R Cambray & Co

G. R. S. 26

Diary No. of letter replied to

General and Revenue Secretariat
( )
, the 191 .

Date of issue 17/1/17

Signed by Mr G. Sreenivasa Iyer

GEN. & REV. SECRETARIAT. CASH S-C. 17 JAN. 1917

Money sent today for issue of opt cover

Leave File No. 32-14

Serial No. 10

No. 72579

To

Messrs. R. Cambray & Co
Calcutta.

Gentlemen.

I am directed to remit herewith the sum of rupees ten and annas fourteen only (Rs 10-14-0) in full satisfaction of your bill No. 16666 dated 7th December 1916 for ~~supplied~~ having to this Office the marginally noted book

over.

SUBJECT.

Hy mo no 7914 dt 18.1.17

copy of Mining Act 1904 of Western Australia
copy of Act further to amend the Police Act of 1902 of Western Australia
copy of Act XV of 1898 of Transvaal.

and to request an
acknowledgment

I have etc

For Secy to Govt.
G.D

MSA-WE
18-12-16

List of enclosures

Copied by

Examined by

GPB—20,00—10-10-14

G. R. S. 26]

GEN. & REV. SECRETARIAT. TYPING Sec. 9 MAR 1917

Legis File No. 32-14
Serial No. 11

Diary No. of letter replied to .....

C.W.A. 9

No. 3308

General and Revenue Secretariat
( )
, *the* 191 .

To
Messrs R. Cambray & Co
Law booksellers &
Calcutta

Date of issue 10/3/17

Signed by Mr G. Srinivasa Iyer

Gentlemen

I am directed to request you to be so good as to procure and supply to this Office (per V.P.P.) at early as a copy of the Western Australia Police Act, 1892.

I have &c.

Es

For Secy to Govt

E.D

over.

SUBJECT.

Copy to the Cash Section

Ktl
Yy

G. R. S. V1-9(G/32]

SUBJECT.

Diary No. of letter replied to .. ..

Section Legs
File No. 32-14
Serial No. 12

GENERAL AND REVENUE SECRETARIAT
( )
, *the* 191 .

No. J 1712
Encl 2

Date of issue 23/11/17

To

Signed by W. G. Srinivasa

The Registrar
Chief Court of Mysore
Bangalore

Sir

I am directed to forward herewith copy of letter No 55-29/660 dated 20th May 1915 and its enclosure recommending among other things the enhancement of the punishment from 3 to 12 months for breaches of the rule under sec. 17 of the Mysore

over.

24/11/17

Mines Regulation, 1906, as amended by Regs. IX of 1914, and the substitution of the word "presence" for the word "residence" in that section.

I am directed to request you to be so good as to obtain the opinion of the Judges of the Chief Court on the desirability of introducing these two amendments.

I am further to add for the information of the Judges that the 2nd amendment was proposed by the Kolar Gold Fields Mining Board in the Representative Assembly since 1913.

I have &c

for Chief Secy to Govt

1914

List of enclosures.

Copied by

Examined by

19-11-17

W D-6—GPB—60,000—15-11-16

917

R.O.C. NO. 509 of 1917-18. En 1

court
32-14
13

5379

CHIEF COURT OF MYSORE,

Bangalore, Dated 23rd January 1918.

29 5

From

N.T. GOPALIENGAR, ESQUIRE, B.A.,LL.B.,

Registrar of the Chief Court of Mysore,

Bangalore.

To

C.S. BALASUNDARAM IYER, ESQUIRE, B.A.,

Chief Secretary to the Government of Mysore,

Bangalore.

Sir,

Adverting to your letter No. J.1712/Legis.32-14-2 dated the 23rd November 1917 forwarding a copy of the letter of the Inspector-General of Police in Mysore together with its enclosures recommending two amendments to Section 17 of the Mysore Mines Regulation of 1916 and inviting the opinion of this Court on the desirability of introducing the two amendments, I am directed ~~desired~~ to forward the enclosed opinions of the Judges on the subject.

I have the honor to be,

Sir,

Your most obedient servant,

N. Gopaliengar

REGISTRAR.

D.L.

OPINIONS OF THE JUDGES.

THE CHIEF JUDGE:-

I think the District Magistrate and the Mining Board's representatives are under some misapprehension as to the true construction of Section 17. If the magistrate thinks it undesirable that a particular person should reside (not necessarily should continue to reside) in the area he can give him 48 hours' notice to quit. In other words the section may it seems to me be read as enabling the District Magistrate to turn out not only undesirable residents, but also all persons in whose case it is not desirable that they should be permitted to reside in the notified area.

If this is the true construction there is no need for any amendment, but the proposed amendment is I think not objectionable and we need not oppose it.

As regards the proposed increase in the maximum penalty which may be imposed under Section 19 I have not sufficient knowledge of the circumstances of the area to be certain about it, but as the District Magistrate thinks it necessary and gives instances indicating that the present maximum is not deterrent I should not oppose it. But I suppose it is not intended also to increase the penalty for the offence under Section 18, and if not, it will be simpler to omit Section 19 and enact the penalties under Sections 17 and 18 each in its own section.

Mr JUSTICE K.S.CHANDRASEKHARA AIYAR:-

I agree with the Chief Judge that it is not necessary to replace the word "residence" by "presence" in Section 17, but that there is no objection to such an amendment being made

if the Government thinks it desirable.

I am not in favour of the enhancement of sentence proposed. To penalise the infringement of an executive order of a police officer, passed without hearing the person dealt with and without provision for furnishing him with the grounds for the order, is itself an exceptionally drastic measure; I would not aggravate its harshness by enhancing the punishment provided in Section 19, which seems more than adequate. I am inclined to agree with Mr Justice Paramasiva Iyer that vigorous preventive action by the police and possibly also a strengthening of the police force are the remedies really required.

Mr JUSTICE T.PARAMASIVA IYER:-

Regulation IV of 1906 purports to consolidate and amend and repeals the law relating to mines embodied in Regulations III of 1897 and I and VI of 1900. These latter Regulations contain no provision corresponding to Section 17 of Regulation IV of 1906. Section 17, as it stood, was not without justification. A mine is the property of a company and a Government cooly colony presumably comprises an area vesting solely in Government and assigned by Government for occupation by coolies attached to the mines. When, to safeguard mining property from surreptitious removal, the Superintendent of a mine or the local Superintendent of Police on behalf of the Government issues an order to a suspect to quit a mine or a Government Cooly Colony, the Superintendents are clearly within their rights and to treat a refusal to quit or a re-entry after quitting as criminal trespass appears to me to be entirely legitimate and I should have no objection to enhancing the maximum penalty for criminal trespass of this kind to one year or even to two years in case of a second offence.

2. Section 17 however as transformed by Regulation IX of 1914 is a different matter. The transfer to the Police Superintendent of the power vested in mine superintendents under the old section was both convenient and unobjectionable. The new section however does more. The power of the Superintendents to issue notices to quit was confined under the old section to mines and Government cooly colonies while the new section extends that power over 'such area as may be notified by Government from time to time.' These words in the first place appear to be superfluous. The governing section 4 requires the Government to notify the local area to which section 17 may be made applicable So far back as 27-8-1906 a notification was issued under section 4 making section 17 among others applicable to the greater part of the Bowringpet Taluk. Under Section 17 therefore as it originally stood the powers of Superintendents were restricted to mines and Government cooly colonies situate within the local area notified under Section 4. The notification of 27-8-1906 is still in force. it has not been cancelled or modified so far as I know by a later notification under sub-section 2, section 4, it governs therefore new section 17 by virtue of section 24 of the General Clauses Regulation, and the powers of the Superintendent of Police under the new section extend therefore over the entire area covered by it. It is possible however that in framing new section 17 the Legislature intended that a notification under ~~se~~ section 4 giving effect to section 17 should be supplemented by a fresh notification under section 17 itself before enforcement, but to prescribe two notifications to bring into force a single simple provision of the law appears to be clumsy and cumbersome

3. In para 2 of his letter No.7484 dated 11-4-1915 the District Magistrate seems to opine that the Government is entitled under the amended section to notify only mines and Government cooly colonies. He had apparently in his mind not the amended section itself but the notification thereunder

No. J. 1589--Legis.32-14-2 dated 1st December 1914 which very probably covers only Mines and Government Cooly Colonies. On the other hand as Section 17 now stands there is nothing to prevent the Government from notifying as large or as small an area out of the Province as they choose as the Mines Regulation 'extends to the whole of Mysore'. The Superintendent of Police will therefore have as the section now stands the power to prohibit any person from staying or going anywhere within the area notified under it. The exercise of that power in areas other than Mines and Government Cooly Colonies will clearly be in defeasance of the elementary rights of the Maharajah's subjects. The ipse dixit of the Superintendent of Police cannot be questioned in a Court of law and the Magistrate is merely his instrument to punish disobedience to his orders without power to enquire into their propriety. The Police Superintendent is virtually armed with absolute power to banish any person he considers an undesirable from an area in which but for section 17 that person has as much right to remain and move about as the Police Superintendent himself. Martial law appears to be fairness itself compared to this. I do not believe there is any precedent to be found anywhere in support of this law and I do not remember that such a provision exists even in the Gold Law of the late South African Republic.

4. Concentrated wealth like gold naturally provokes human greed and unlawful attempts to appropriate, but the Kolar Gold Field is by no means unique in this respect. The legitimate remedy against an influx of bad characters is to supplement vigorous action under sections 109 and 110 of the Criminal Procedure Code by spending some of that wealth in strengthening the Police establishment and not to lighten the protective duties of the Police by laws of this kind. The law as embodied in section 17 appears to me with great respect to the Legislative Council to be fundamentally bad and I would not

make

G.R.S. VI-71]

SUBJECT..... Amending the Mysore Mines Regulation

Diary No. of letter replied to.....

Section Legis
File No. 32-14
Serial No. 14

General and Revenue Secretariat

( )

, the 191

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 21/6/18

Signed by M.V.E Jagganna Rao

Read.— Letter No 3529/660 dated 20th May Bangalore 1915 from the Inspector General of Police in Mysore recommending that the ~~previous~~ Mysore Mines Regulation be amended so as to raise the punishment for an offence under sec: 17 from 3 months to 12 months and that the word "presence" be

Order Thereon:— ~~No.~~

over.

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette English part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette Kannada part ?

substituted for the word
"residence" in section
17.

2. Subject No 169 of
the R. A. Proceedings of
October 1911 ~~regarding~~
on the same subject and
the reply of Govt thereon

Order thereon:- J 5070-1
After careful consideration,
Government ~~do not~~ are of opinion
~~that~~ it is not necessary
to amend the Regulation
as proposed.

68/10/6/08

5/6 for Chief Secy to Govt

List of enclosures.

To

The Inspector General of Police
in Mysore.

~~The Dist Supt~~
The Deputy Commissioner Kolar
for communication
to the R.A. Member concerned.

Copied by
Examined by

Copy to the R. A. Section. (sent)

G. R. S. VI—G/32]

SUBJECT: Confidential

Diary No. of letter replied to.....

Section Legs
File No. 32-14
Serial No. 15

GENERAL AND REVENUE SECRETARIAT,
( )
the *191*

Date of issue 13th Jan 1918

Signed by PAW Ox. B.T.O.

To

My dear Sir

With reference to para 2 of your Spl. letter No 5329/660 dated 20th May 1915 recommending the substitution of the word presence for the word residence occurring in the Upper Chindwin Mines Rules 1916, as amended by Regulation IX of 1917 I am directed to inform

over.

Sd 3 of the file

you that both the
District Magistrate and
the Mining Board
representative area seem to be
under some misapprehension
as to the true construction
of section 17. If the Magistrate
thinks it undesirable that a
particular person should
reside (not necessarily
should continue to reside)
in the area he can give
him 48 hours notice to quit.
In other words the section
may be read as enabling
the Magistrate to turn
out not only undesirable
residents but also all
persons in whose case
it is not desirable that
they should be permitted
to reside in the notified
area. Further the provisions of section 17

List of enclosure

Copied by

Examined by

WD 86—GPB—60,000—15-11 16

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

can be applied to any area which may be notified by Government in this behalf from time to time and not merely to a mine or coolg colony as indicated in the marginal note to that section which cannot be construed ~~to~~ as restricting the scope of the section itself.

I am therefore to inform you that Government do not think it necessary to amend the section as proposed ~~not do~~ as they see no ~~sufficient~~ grounds to sanction the proposed increase in the maximum penalty which may be imposed under section 17 of the

Regulation

Yours sincerely

WF 3/6/18 CMS

Wish 4/7/18

To

Mir Hamza Hussain Esq. B.A., B.L.

Offg. Inspector General Police

Mysore

G.O. No. 686 of 13.4.1918

Copy to the Dt. Majr

of Kolar.

GPD—20,920—16-2-14